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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/928,154	08/10/2001	Charles Martin	30566.194-US-01	5659

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EXAMINER

LEROUX, ETIENNE PIERRE

ART UNIT	PAPER NUMBER
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2161

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/928,154

Applicant(s)

MARTIN ET AL.

Examiner

Etienne P LeRoux

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10-19 and 21-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-19 and 21-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Continued Examination

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/24/2005 has been entered.

Claim Status:

Claims 1-8, 10-19 and 21-25 are pending; claims 9, 20 and 26-28 having been canceled. Claims 1-8, 10-19 and 21-25 are rejected as detailed below.

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

In the present abstract, the following legal phraseology is included: such as, such that, said and by means of. The drawing reference numbers are confusing because the numbers refer

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to a plurality of drawings and the drawing numbers do not meet the requirement for a simple narrative format which does not require the reader to consult the full patent text.

Claim Objections

Claim 1 recites in the preamble:

an apparatus comprising visual display means, processing means, storage means and memory means; wherein said memory means is configured to store program instructions for updating data in a central database,

Claim 1 also includes:

one client

Claim 1 also includes:

another client

It is unclear how the apparatus includes one client and another client. For the purposes of this examination, examiner assumes that claim 1 is drawn to a distributed processing system.

Claim 6 is objected to because of the following informality:

Claim 6 recites “wherein said modifications to the transient copy of the objects comprises an amendments implemented locally or remotely on said transient copy.” It is unclear how many objects applicant is claiming, furthermore, it is unclear how many amendments applicant is claiming. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8, 10-19 and 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat No 5,623,659 issued to Shi et al (hereafter Shi) in view of US Pat No 6,446,077 issued to Straube et al (hereafter Straube).

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1, 12, 23 and 24:

Shi discloses:

a database application [Figs 2 and 3] makes modifications, in cache [Fig 2, 24], to a transient copy of said persistent objects [col 4, lines 10-35]

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a database thread generates database transaction requests for updating the persistent copy of the object in the central database to reflect said modifications to the transient copy [col 4, lines 10-35]

said database transaction requests are processed, in a database transaction request queue [Fig 3, 103] at a lower priority than said modifications to the transient copy

Shi discloses the essential elements of the claimed invention as noted above and furthermore discloses in Background of the Invention that optimistic concurrency control allows users to checkout objects freely, however, if there are multiple users who wish to update the same object, only one user's update will be accepted, the other updates are aborted [col 1, lines 45-48] but does not disclose wherein when the transient copy of the object in one client is accessed, any previously existing transient copy of the object in another client is unloaded from the cache of the other client. Straube discloses a propagation stack for keeping track of propagations to perform, the stack being organized in the familiar LIFO method of adding and removing data from the list [col 9, lines 54-58]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Shi based on the teachings of Straube to include wherein when the transient copy of the object in one client is accessed, any previously existing transient copy of the object in another client is unloaded from the cache of the other client for the purpose of maintaining the most recent copy and not aborting the complete transaction as disclosed by Shi. The skilled artisan would have been motivated to improve the invention of Shi per the above such that accessing of a transient copy by users can be expedited while still maintaining data integrity.

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Claim 2:

The combination of Shi and Straube discloses the elements of claim 1 as noted above and furthermore, Shi discloses wherein said database is stored locally or distributed over a network to remote nodes [Fig 2, 42, col 4, lines 8-10].

Claim 3:

The combination of Shi and Straube discloses the elements of claim 1 as noted above and furthermore, Shi discloses wherein said database is transaction-oriented [Fig 4A, col 5, lines 56-67].

Claim 4:

The combination of Shi and Straube discloses the elements of claim 1 as noted above and furthermore, Shi discloses wherein said database thread includes an object cache manager [Fig 5]

Claim 5:

The combination of Shi and Straube discloses the elements of claims 1 and 4 as noted above and furthermore, Shi discloses wherein said object cache manager creates said transient copies in a transient object cache according to permission from a Permit Manager [version manager 100, Fig 3, col 4, lines 18-34]

Claim 6:

The combination of Shi and Straube discloses the elements of claim 1 as noted above and furthermore, Shi discloses wherein said modifications to the transient copy of the objects comprise an amendment implemented locally or remotely on said transient copy [user creates child object, col 4, lines 18-35]

Claim 7:

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The combination of Shi and Straube discloses the elements of claim 1 as noted above and furthermore, Shi discloses wherein transient objects are stored in the main memory of a local or remote database client system or a plurality thereof [col 4, lines 18-35, col 3, lines 30-40, Fig 1, 12, 13, 14, 15, 16]

Claim 8:

The combination of Shi and Straube discloses the elements of claim 1 as noted above and furthermore, Shi discloses wherein said database thread is a low priority thread [col 4, lines 25-35]

Claim 10:

The combination of Shi and Straube discloses the elements of claim 1 as noted above and furthermore, Shi discloses wherein said database thread identifies and then executes said transactions requests asynchronously [reserved checkout queue 103, Fig 3, col 4, lines 30-35]

Claim 11:

The combination of Shi and Straube discloses the elements of claim 1 as noted above and furthermore, Shi discloses wherein said queued transactions requests are removed from said database request queue once the said database transaction they respectively define is accomplished [reserved checkout queue 103, Fig 3, col 4, lines 30-35, inherent in the operation of a queue]

Claim 13:

The combination of Shi and Straube discloses the elements of claim 12 as noted above and furthermore, Shi discloses wherein said database is stored locally or distributed over a network to remote nodes [Fig 2, 42, col 4, lines 8-10].

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Claim 14:

The combination of Shi and Straube discloses the elements of claim 12 as noted above and furthermore, Shi discloses wherein said database is transaction-oriented [Fig 4A, col 5, lines 56-67].

Claim 15:

The combination of Shi and Straube discloses the elements of claim 12 as noted above and furthermore, Shi discloses wherein said database thread includes an object cache manager [Fig 5]

Claim 16:

The combination of Shi and Straube discloses the elements of claims 12 and 15 as noted above and furthermore, Shi discloses wherein said object cache manager creates said transient copies in a transient object cache according to permission from a Permit Manager [version manager 100, Fig 3, col 4, lines 18-34]

Claim 17:

The combination of Shi and Straube discloses the elements of claim 12 as noted above and furthermore, Shi discloses wherein said modifications to the transient copy of the objects comprise an amendment implemented locally or remotely on said transient copy [user creates child object, col 4, lines 18-35]

Claim 18:

The combination of Shi and Straube discloses the elements of claim 12 as noted above and furthermore, Shi discloses wherein transient objects are stored in the main memory of a local

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or remote database client system or a plurality thereof [col 4, lines 18-35, col 3, lines 30-40, Fig 1, 12, 13, 14, 15, 16]

Claim 19:

The combination of Shi and Straube discloses the elements of claim 12 as noted above and furthermore, Shi discloses wherein said database thread is a low priority thread [col 4, lines 25-35]

Claim 21:

The combination of Shi and Straube discloses the elements of claim 12 as noted above and furthermore, Shi discloses wherein said database thread identifies and then executes said transactions requests asynchronously [reserved checkout queue 103, Fig 3, col 4, lines 30-35]

Claim 22:

The combination of Shi and Straube discloses the elements of claim 12 as noted above and furthermore, Shi discloses wherein said queued transactions requests are removed from said database request queue once the said database transaction they respectively define is accomplished [reserved checkout queue 103, Fig 3, col 4, lines 30-35, inherent in the operation of a queue]

Claim 25:

The combination of Shi and Straube discloses the elements of claim 24 as noted above and furthermore, Shi discloses wherein said program instructions are configured to update the objects in the central database that has a persistent copy of the objects that controls processing steps [col 1, lines 54-56]

Response to Arguments

Applicant's arguments filed 3/24/2005 have been fully considered but they are now moot based on above new art rejection necessitated by applicant's claim amendments. Nevertheless, it is worthwhile to consider applicant's arguments.

Applicant Argues:

Applicant states in the sixth paragraph on page 10 "In addition, applicants submit that the various elements of Applicants' claimed invention together provide operational advantages over the over the systems disclosed in Linenbach. Further, Applicants' invention solves problems not recognized by Linenbach.

Examiner Responds:

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., operational advantages and solves problems) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne P LeRoux whose telephone number is (571) 272-4022. The examiner can normally be reached on 8:00-4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (571) 272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Etienne LeRoux

5/23/2005

A handwritten signature in black ink, appearing to read 'Etienne LeRoux', is written over the typed name and date.